



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

Mitchell E. Daniels, Jr.
Governor

Thomas W. Easterly
Commissioner

100 North Senate Avenue
Indianapolis, Indiana 46204
(317) 232-8603
Toll Free (800) 451-6027
www.idem.IN.gov

September 15, 2010

Mr. J. Mitchell Oliver
Speedway SuperAmerica LLC
P.O. Box 1500
Springfield, Ohio 45501

Dear Mr. Oliver:

Re: NPDES Permit No. ING080166
Speedway SuperAmerica LLC #8338
9651 Kennedy Avenue
Highland, Indiana, Lake County

This agency has reviewed your request of July 29, 2010, for Speedway SuperAmerica LLC #8338 voidance of the above-referenced permit. Due to the fact the above referenced site ceased operations on January 28, 2009 and there will no longer be a discharge to a water of the state, a NPDES permit is no longer required.

Therefore, National Pollutant Discharge Elimination System Permit No. ING080166 issued June 15, 2007 is hereby revoked effective 18 days from the mailing date of this letter.

Any party adversely affected or aggrieved by this decision may appeal by filing a petition for administrative review with the Office of Environmental Adjudication (OEA) within eighteen (18) days after the date of mailing of this letter. Any appeal request must be filed in accordance with IC 4-21.5-3-7 and must include facts demonstrating that the party requesting appeal is the applicant, a person aggrieved or adversely affected by this voidance or otherwise entitled to review by law. Pursuant to IC 13-15-7-3, this decision shall remain in effect pending a decision on any appeal that has been timely requested under the provisions of IC 4-21.5. The address is:

Office of Environmental Adjudication
Indiana Government Center North
100 North Senate Avenue, Room 501
Indianapolis, IN 46204

Mr. J. Mitchell Oliver

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You are reminded that any future discharge to waters of the state must be preceded by the submission of an NPDES application at least 180 days prior to the commencement of such discharge.

If you have any questions regarding this matter, please contact Mr. Joe Gwinn at 317/ 233-8769.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul Higginbotham", with a long horizontal flourish extending to the right.

Paul Higginbotham, Chief
Permits Branch
Office of Water Quality

cc: Lake County Health Department

STATE OF INDIANA
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

PUBLIC NOTICE NO. 2010 – 9D -GP

DATE OF NOTICE: September 15, 2010

The Office of Water Quality issues the following **NPDES GENERAL PERMIT**.

TERMINATION

SPEEDWAY SUPERAMERICA LLC #8338, Permit No. ING080166, LAKE COUNTY, Highland, IN. This permit is being terminated because there is no longer a discharge. Permit Writer: Joe Gwinn at 317/233-8769.

PROCEDURES TO APPEAL

General Permit documents are available for inspection at IDEM, Office of Water Quality/Permit Section, IGCN, 100 N Senate Ave, Indianapolis, IN, Room 1203, from 9 - 4, Monday-Friday (copies 10¢ per page). The General Permit is also available at the local Health Department. Please tell others you think would be interested in this matter.

Appeal Procedure: Any person affected by the issuance of the Final Permit may appeal by filing a Petition for Administrative Review with the Office of Environmental Adjudication within eighteen (18) days of the date of this Public Notice. Any appeal request must be filed in accordance with IC 4-21.5-3-7 and must include facts demonstrating that the party requesting appeal is the applicant; a person aggrieved or adversely affected or is otherwise entitled to review by law.

Timely filing: The Petition for Administrative Review must be received by the Office of Environmental Adjudication (OEA) within 18 days of the date of this Public Notice; either by U.S. Mail postmark or by private carrier with dated receipt. This Petition for Administrative Review represents a request for an Adjudicatory Hearing, therefore must:

- state the name and address of the person making the request;
- identify the interest of the person making the request;
- identify any persons represented by the person making the request;
- state specifically the reasons for the request;
- state specifically the issues proposed for consideration at the hearing;
- identify the Final Permit Rule terms and conditions which, in the judgment of the person making the request, would be appropriate to satisfy the requirements of the law governing this NPDES Permit rule.

If the person filing the Petition for Administrative Review desires any part of the NPDES Final Permit Rule to be stayed pending the outcome of the appeal, a Petition for Stay must be included in the appeal request, identifying those parts to be stayed. Both Petitions shall be mailed or delivered to the address here:
Phone: 317/232-8591.

Environmental Law Judge
Office of Environmental Adjudication
IGC – North Building- Rm 501
100 N. Senate Avenue
Indianapolis IN 46204

Stay Time frame: If the Petition (s) is filed within eighteen (18) days of the mailing of this Public Notice, the effective date of any part of the permit, within the scope of the Petition for Stay is suspended for fifteen (15) days. The Permit will become effective again upon expiration of the fifteen (15) days, unless or until an Environmental Law Judge stays the permit action in whole or in part.

Hearing Notification: Pursuant to Indiana Code, when a written request is submitted, the OEA will provide the petitioner or any person wanting notification, with the Notice of pre-hearing conferences, preliminary hearings, hearing stays or orders disposing of the Petition for Administrative Review. Petition for Administrative Review must be filed in compliance with the procedures and time frames outlined above. Procedural or scheduling questions should be directed to the OEA at the phone listed above.



Lake County
ING080166

IDEM
OFFICE OF
WATER QUALITY

Speedway SuperAmerica LLC

July 29, 2010

2010 AUG -6 P 2:11
P.O. Box 1500
Springfield, OH 45501
Telephone 937-864-3000

Indiana Department of Environmental Management
Office of Water Management
Permits Section
100 North Senate Avenue
Indianapolis, IN 46204-2251

Re: NPDES Permit No. ING080166
Speedway SuperAmerica LLC #8338
9651 Kennedy Avenue
Highland, IN 46322

Dear Sir/Madam:

Speedway SuperAmerica LLC (SSA) wishes to formally advise you that the groundwater remediation system at the above-referenced site ceased operations on January 28, 2009, and is no longer discharging to the storm sewer system or any other surface waters. On May 26, 2010, the Indiana Department of Environmental Management (IDEM) approved a Corrective Action Plan (CAP) Addendum, which included transitioning the site into IDEM's Risk Integrated System of Closure (RISC) guidance and addressing the remaining soil and groundwater impacts through attenuation modeling, monitored natural attenuation, and application of an Environmental Restrictive Covenant (ERC) to the property. Therefore, operation of the remediation system will not be required in the future. Consequently, we wish to withdraw the NPDES permit for the subject site.

Please provide written confirmation of the permit's withdrawal.

If you have any questions or comments regarding this matter, please contact Mr. Alan Frantsvog of Practical Environmental Consultants, Inc. at (847) 519-3430, ext. 439.

Sincerely,

SPEEDWAY SUPERAMERICA LLC

J. Mitchell Oliver
Manager Corporate Environmental

Copy: Remediation File Store No. 8338
Reimbursement File Store No. 8338
Ms. Kara Bach (PEC)

Equal Opportunity Employer

